

## **UPDATE ON FEMA REIMBURSEMENTS**

On April 13<sup>th</sup>, the President declared a major disaster for the Commonwealth of Massachusetts as a result of the severe storms, snowstorms, and coastal flooding that occurred from January 26-28, 2015. This declaration authorized, among other things, Public Assistance for ten counties (Worcester, Essex, Suffolk, Middlesex, Norfolk, Plymouth, Bristol, Barnstable, Dukes, Nantucket) and Snow Assistance for nine of those counties (Nantucket did not meet FEMA's snow assistance eligibility requirements of record snowfall amounts).

Although the disaster declaration is based only on the blizzard of January 26-28, FEMA is indicating willingness to consider the unique circumstances the Commonwealth faced this winter (four weeks of record breaking snowfall and cold temperatures) and be more flexible in determining eligibility of costs for removing snow, undertaking emergency protective measures, and repairing damage to public facilities. This approach by FEMA is different than in the past and could well result in your community being reimbursed for more of its costs. The additional guidance FEMA and MEMA will provide at the upcoming Applicant Briefings is critical and I strongly encourage municipal finance officials to attend one of them. This will enable your community to maximize the reimbursement under all applicable rules. Division of Local Service staff will be present at each of the Briefings to answer any questions you may have concerning how the FEMA reimbursement will be handled as part of your community's overall deficit closure plan. Below is a list of applicant briefing dates and locations:

The following provides some additional detail that will be expanded upon at the Applicant Briefings:

### **Monday, May 4, 2015 @ 9:00am**

#### **Worcester County (South):**

Pakachoag Church Functional Hall  
203 Pakachoag Street  
Auburn, MA

### **Monday, May 4, 2015 @ 1:00 p.m.**

#### **Worcester County (North):**

Fitchburg Fire Station  
33 North Street  
Fitchburg, MA

### **Tuesday May 5, 2015 @ 9:00 a.m.**

#### **Middlesex County**

MEMA Headquarters  
400 Worcester Road  
Framingham, MA

### **Tuesday May 5, 2015 @ 1:00 p.m.**

#### **Essex County**

Relief's In  
1 Market Street  
Lawrence, MA

### **Wednesday, May 6, 2015 @ 9:00 a.m.**

#### **Barnstable County:**

Barnstable County Harbor View Conference Room  
3195 Main Street  
Barnstable, MA

### **Wednesday, May 6, 2015 @ 1:30 p.m.**

#### **Plymouth County:**

Bridgewater State University  
Moakley Center Auditorium  
100 Burrill Avenue  
Bridgewater, MA

### **Thursday, May 7, 2015 @ 9:00 a.m.**

#### **Bristol County:**

Buttonwood Park Zoo Wildlife Education Center  
425 Hawthorn Street  
New Bedford, MA

### **Thursday, May 7, 2015 @ 1:30 p.m.**

#### **Norfolk County:**

Four Points Sheraton, 21 Tiffany Ballroom  
1125 Boston-Providence Turnpike  
Norwood, MA

### **Friday May 8, 2015 @ 11:00 a.m.**

#### **Dukes County:**

Tisbury Emergency Services Building  
215 Spring Street  
Tisbury, MA

### **Snow Assistance**

The major disaster declaration provides Snow Assistance for jurisdictions in the nine eligible counties, which allows for 75% reimbursement of snow removal costs during a single, continuous 48-hour period. Eligible snow assistance activities include snow removal, de-icing, salting, snow dumps, and sanding and salting of roads and other facilities. Each eligible jurisdiction/applicant may designate its own 48-hour period which may reflect the highest costs for the jurisdiction, and that 48-hour period can begin either during the declaration's defined incident period (January 26-28) or proximate to it. Different jurisdictions in the same county may designate different 48-hour periods, although all agencies within a jurisdiction must use the same 48-hour time period.

Generally, the 48-hour period of Snow Assistance must be "proximate" to the incident period. However, FEMA has recognized that because the January blizzard deposited such a large amount of snow and was accompanied by freezing temperatures preventing the snow from melting before additional snowfall accumulated, it is likely that snow removal operations occurring in the weeks after the blizzard included the removal of snow from the initial blizzard. Because of these unique, cumulative impacts, FEMA has indicated that, for this disaster, an applicant may select a 48-hour period up to several weeks after the initial blizzard provided there is a nexus between the snow that was removed during the 48-hour period and the snow that fell during the January blizzard.

### **Snow Removal from Roofs**

FEMA considers the clearing of snow from roofs, if done to eliminate an immediate threat, to be an emergency protective measure unrelated to snow assistance activities. As such, snow removal from roofs is *not* limited to the 48-hour period related to snow assistance. In addition, because of the prolonged period of persistent snow and cold temperatures, FEMA likely will conclude that, in most instances, snow removed from roofs between January 26 and February 22 included snow that fell during the initial blizzard. In the absence of evidence to the contrary, costs of removing snow from roofs during this four week period likely will be eligible for reimbursement under the disaster declaration.

### **Repairs to/Replacement of Damaged Public Facilities**

FEMA has acknowledged that it may not be possible in many or most cases to determine whether the damage was caused by the snow from the initial storm, one of the subsequent storms, or a combination. Because of this, FEMA has indicated willingness to assume that snow-related damage that occurred between January 26 and February 22 was caused at least in part by the snow that fell during the initial blizzard, unless there is clear evidence to the contrary. Accordingly, FEMA will evaluate damages caused by the effects of snow anytime between January 26 and February 22 for eligibility for Public Assistance.